

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

DR. ROBERT ABRAHAM

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:02cv165GR

SATAR CORPORATION, MAXXIM MEDICAL, FIRST MEDICA  
ASSOCIATION, CRANBERRY (M) SDN. BHD., JOHNSON & JOHNSON,  
BECTON, DICKINSON AND COMPANY, SAFESKIN CORPORATION,  
KIMBERLY-CLARK CORPORATION, ALLEGIANCE HEALTHCARE  
CORPORATION, ANSELL PERRY, ANSELL PROTECTIVE PRODUCTS,  
INC., SMITH & NEPHEW, INC., HEALTH INDUSTRIES  
MANUFACTURERS ASSOCIATION, JOHN DOES 1-10

DEFENDANTS

**MOTION TO DISMISS**

COMES NOW, the Defendant, First Medica Association, by and through its attorneys of record, and files this, its motion for dismissal in the above styled and numbered cause, and in support thereof would show unto the Court the following, to-wit:

I.

That this lawsuit was originally filed in the Circuit Court of Jackson County, Mississippi, and was removed to the United States District Court for the Southern District of Mississippi, Southern Division. This matter was then transferred to the Judicial Panel for Multi-District Litigation in Western Pennsylvania by Order of June 5, 2002. That this Defendant, First Medica Association, now seeks dismissal from this cause of action.

II.

The Plaintiff in this matter has based its cause of action upon the assertion and allegation that all defendants named were engaged in the manufacture, sale, and distribution of latex gloves, or that all defendants placed said latex gloves within the stream of commerce, either expecting them to reach the State of Mississippi, or sold and/or manufactured said latex gloves within the State of Mississippi.

III.

This Defendant would further show that it is not engaged in the manufacture, sale, or distribution of latex gloves. This Defendant would further show that it is involved only in the sale and distribution of non-latex materials. By way of proof, this Defendant attaches a copy of its product listing to this Motion, marked Exhibit "A."

WHEREFORE, PREMISES CONSIDERED, this Defendant requests that this Honorable Court dismiss this cause of action against it, with prejudice, at cost to the Plaintiff, as this Defendant is not engaged in any of the allegations asserted in the Plaintiff's petition and therefore is wrongfully named as a defendant.

Respectfully submitted,

FIRST MEDICA ASSOCIATION

BY: FRANKE, RAINEY & SALLOUM, PLLC

BY:

\_\_\_\_\_  
David M. Ishee, MBN 8370

FRANKE, RAINEY & SALLOUM, PLLC  
POST OFFICE DRAWER 460  
GULFPORT, MS 39502  
Telephone: 228-868-7070  
Telecopier: 228-868-7090

CERTIFICATE OF SERVICE

I, David M. Ishee, of the firm of Franke, Rainey & Salloum, do hereby certify that I have this day mailed, by United States Mail, postage prepaid, a true and correct copy of the foregoing Motion to Dismiss to the following:

D. Neil Harris  
Post Office Box 306  
Pascagoula, MS 39568-0306

John W. Dornberger  
240 Grandview Avenue  
Camp Hill, PA 17011

Mark M. Jones  
The Colorado Bldg.  
1341 G Street NW, Suite 500  
Washington, DC 20005

J. Leray McNamara  
Patricia H. Cottingham  
Copeland & Cook  
Post Office Box 6020  
Ridgeland, MS 39158

Neville H. Boschert  
Watkins, Ludlam, Winter & Stennis, PA  
Post Office Box 427  
Jackson, MS 39205-0427

Roy C. Williams  
Post Office Box 1407  
Pascagoula, MS 39568-1407

Kimberly N. Howland  
George Q. Evans  
Post Office Box 651  
Jackson, MS 39205

John Dames  
David B. Sudzus  
303 West Madison Street,  
Suite 1400  
Chicago, IL 60606

Frank A. Wood, Jr.  
Watkins & Eager  
400 East Capital Street,  
Suite 400  
Jackson, MS 39205

Barry M. Epstein  
Beth Rose  
One Riverfront Plaza, Floor 10A  
Newark, NJ 07102-5400

Christina Mack  
Robert O'Malley  
Christy J. Benton  
Suite 200, One IBM Plaza  
Chicago, IL 60611

Gerald Wixted  
600 College Road East  
Princeton, NJ 08540

Donald R. Peterson  
733 N. Van Buren Street, 6<sup>th</sup> Floor  
Milwaukee, WI 53202

J. Robert Ramsay  
Matthew D. Miller  
Post Office Box 16567  
Hattiesburg, MS 39404

THIS, the \_\_\_\_ day of December, 2002.

David M. Ishee, MBN 8370

FRANKE, RAINEY & SALLOUM, PLLC  
POST OFFICE DRAWER 460  
GULFPORT, MS 39502  
Telephone: 228-868-7070  
Telecopier: 228-868-7090